

REMARKS

Favorable reconsideration of this application, as presently amended, is respectfully requested.

Claims 1-3, 5-12, 14-34 and 36-37 are pending in the present application. Claims 4, 13, 35 and 38 have been cancelled by the present amendment. Claims 1, 4, 10, 13, 17-19, 21 and 29 were rejected under 35 U.S.C. 102(b) as being anticipated by Klein. Claims 2, 3 and 11 were rejected under 35 U.S.C 103(a) as being unpatentable over Klein. Claims 7-9, 12, 14-16, 20, 22, 23, 25-28 and 30-38 were rejected under 35 U.S.C. 103(a) as being unpatentable over Klein in view of Powell. Claim 24 was rejected under 35 U.S.C. 103(a) as being unpatentable over Klein in view of Powell, further in view of Capozzi et al. Claims 5 and 6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Klein in view of Sawdon.

Referring to the rejection of claims 1, 4, 10, 13, 17-19, 21 and 29 under 35 U.S.C. 102(b) as being anticipated by Klein, the reference to Klein is not believed to anticipate or make obvious the specific features required by the claimed invention. Claim 1 relates to a holder for holding at least photographic prints. The holder of claim 1 comprises a first planar member attached to a second planar member through a first fold line; first and second expandable end members at side ends of the first and second planar members; a storage slot sized to receive and hold negatives therein; at least two tabs attached to a top end of the first planar member, wherein a first perforated line is defined between the top end of the first planar member and the at least two tabs to permit a removal of each of the tabs from the top end of the first planar member; and a flap that extends from the first planar member. The flap extends from a second fold line on the first planar member that is located below the first perforated line and the at least two tabs. As further required by claim 1, the flap extends over the storage slot and is movable to at least a closed position to cover the enclosure and the storage slot, such that in the closed position of the flap, the second fold line remains located below the first perforated line and the at least two tabs.

The specific combination of features required by claim 1 is not believed to be shown or suggested in the reference to Klein. That is, in the Office action, Klein is defined as showing at least two tabs 23 attached to a top end of a first planar member 7. The Office action further sets forth that Klein discloses a

flap 16 that extends from the first planar member (and forms part of the first planar member), with the flap extending from a second fold line 19 on the first planar member that is located below the first perforated line 21, and the flap extending over the storage slot so as to cover the enclosure.

In a feature of the present invention, the at least two tabs define a top end of the holder regardless of the position of the flap 100. Therefore, when the flap 100 is in a closed position, the tabs define a top end of the holder. This permits the use of the tabs as identifying members regardless of the position of the flap. As set forth in claim 1, in the closed position of the flap, the second fold line 28 remains located below the perforated line 26 and the at least two tabs. This is not shown or suggested in Klein. More specifically, in Klein the flap is defined as element 16. When the flap 16 is moved to a closed position, the tabs which are defined by reference numeral 23 are located below the fold line 19. Therefore, the reference to Klein is not believed to show or suggest the arrangement of the present invention, wherein in a closed position of the flap, the second fold is below the first perforated line and the at least two tabs. In Klein, when the flap 16 is provided in a closed position, the first fold line is located above the perforated line 21 and the tabs 23.

Accordingly, the reference to Klein is not believed to anticipate or make obvious the features of claim 1.

Claim 10 relates to an arrangement for holding photographic products. The arrangement of claim 10 requires at least two tabs and a flap that extends from one of first and second planar members. As further required by claim 10, the flap is movable to at least a closed position to cover at least a first holding area, such that in the closed position, the fold line remains located below the at least two tabs. For the reasons noted above with regard to claim 1, the reference to Klein is not believed to anticipate or make obvious the features of claim 10. More specifically, claim 10 requires that in the closed position of the flap, the fold line 28 remains located below the at least two tabs. On the other hand, in Klein, in the closed position of flap 16, the fold line 19 is located above the tabs 22.

Accordingly, the reference to Klein is not believed to anticipate or make obvious the features of claim 10.

Claims 17-18 depend either directly or indirectly from claim 10 and set forth further unique features of the present invention which are also not believed to be shown or suggested in the applied reference. Accordingly, these claims are also believed to be allowable.

Claim 19 relates to a method of storing and organizing at least photographic prints. The method of claim 19 requires inserting photographic prints into a first holding area defined by at least first and second planar members; and placing at least two tabs at an end of one of the first and second planar members. As further required by claim 19, the at least two tabs define a top end of a wallet-type member formed by enclosing at least the first holding area with a flap. The reference to Klein is not believed to show or suggest the features of claim 19. More specifically, Klein does not show or suggest at least two tabs that define a top end of a wallet-type member formed by enclosing at least a holding area with a flap. In the reference to Klein, the elements 23 which are defined as tabs do not form a top end of a wallet member when the wallet is closed as required by claim 19.

Accordingly, the reference to Klein is not believed to anticipate or make obvious the features of claim 19.

Claim 21 depends from claim 19 and sets forth an additional unique feature of the present invention which is also not believed to be shown or suggested in the applied reference. Accordingly, this claim is also believed to be allowable.

Claim 29 relates to a method of delivering at least photographic prints to a customer. In the method of claim 29, the at least two tabs define a top end of a wallet-type member when the wallet-type member is opened to permit an insertion of photographic prints, and when the wallet-type member is closed. As noted above, in the reference to Klein when the envelope is closed, the two tabs do not form a top end of the envelope.

Accordingly, the reference to Klein is not believed to anticipate or make obvious the features of claim 29.

In view of the above, the reference to Klein is not believed to anticipate or make obvious the features of claims 1, 10, 17-19, 21 and 29.

Referring to the rejection of claims 2, 3 and 11 under 35 U.S.C. 103(a) as being unpatentable over Klein, claims 2-3 depend either directly or

indirectly from claim 1, and claim 11 depends from claim 10. Each of these claims set forth further unique features of the present invention, which when taken in combination with the elements required by their respective independent claims, are not believed to be shown or suggested in the applied reference.

Accordingly, claims 2, 3 and 11 are also believed to be allowable over the reference to Klein.

Referring to the rejection of claims 7-9, 12, 14-16, 20, 22, 23, 25-28 and 30-38 under 35 USC § 103(a) as being unpatentable over Klein in view of Powell, as indicated in the office action, the reference to Klein does not include a tear-out member to expose the inside of an enclosure. The reference to Powell was cited to show a tear-out portion. However, the reference to Powell is not believed to correct the deficiencies of Klein with respect to the position of the tabs at a top end of the holder or wallet-type member, regardless of whether the holder or wallet-type member is in an open or closed state. Also, even if Klein and Powell were combinable, the combination would not show or suggest the above-noted feature of the present invention.

Claims 7-9 depend either directly or indirectly from claim 1 and set forth further unique features of the present invention, which when taken in combination with the elements of claim 1, are not believed to be shown or suggested in Klein or Powell, whether these references are considered individually or in combination.

Claims 12 and 14-16 depend either directly or indirectly from claim 10 and set forth further unique features of the invention. For the reasons noted above, the references to Klein and Powell, whether considered individually or in combination, are not believed to show or suggest the specific combination of features required by the claimed invention.

Therefore, claims 12 and 14-16 are also believed to be allowable.

Claim 20 depends from claim 19 and sets forth further unique features of the present invention which are not believed to be shown or suggested in Klein or Powell, whether considered individually or in combination.

Claim 22 relates to an arrangement for storing and organizing at least photographic prints. Claim 22 requires a storage member that has a flap which is movable between at least an open position to permit access to an interior of the storage member, and a closed position to close the interior of the storage

member. The at least one tab of claim 22 defines a top end of the storage member in the open and closed positions of the flap. For the reasons noted above with respect to claim 1, the reference to Klein is not believed to show or suggest these features of the claimed invention. The reference to Powell does not correct the deficiencies of Klein with respect to the present invention. More specifically, Powell does not show or suggest the claimed features of the tab as discussed above.

Accordingly, Powell and Klein, whether considered individually or in combination, are not believed to show or suggest the features of claim 22.

Claim 23 depends from claim 22 and sets forth further unique features of the present invention which are also not believed to be shown or suggested in the applied references.

Claim 25 relates to an arrangement for storing and organizing at least photographic prints. Claim 25 requires that an envelope have a holding section and that the envelope includes at least two tabs that define a top end of the envelope in both an open state and a closed state of the envelope.

For the reasons noted above, the applied references, whether considered individually or in combination, are not believed to show or suggest the features of claim 25.

Claim 26, like claim 25 sets forth that at least two tabs define a top end of an envelope in both an open state and a closed state of the envelope. For the reasons noted above, the applied references, whether considered individually or in combination, are not believed to show or suggest the features of claim 26.

Claim 27 relates to an arrangement for storing and organizing photographic prints. Claim 27 requires a wallet-type member and at least two tabs that define the top end of the wallet type member in both an opened state and a closed state of the wallet-type member.

For the reasons noted above, the applied references are not believed to show or suggest the features of claim 27.

Claim 28 depends from claim 27 and sets forth a further unique feature of the present invention which is also not believed to be shown or suggested in the applied references.

Claims 30-33 depend either directly or indirectly from claim 29 and set forth further unique features of the present invention, which when taken in

combination with the elements of claim 29 discussed above, are not believed to be shown or suggested in the applied references.

Claim 34 relates to a method of delivering photographic prints which requires that a tab define a top end of a wallet-type member when the wallet-type member is in an open state or a closed state. For the reasons noted above, the applied references are not believed to show or suggest the features of claim 34.

Claim 36 relates to a holder adapted to hold at least photographic prints. Claim 36 requires a tab that defines a top end of a wallet-type member in both an opened state and a closed state of the wallet-type member. For the reasons noted above, the applied references are not believed to show or suggest the features of claim 36.

Claim 37 depends from claim 36 and sets forth a further unique feature of the present invention which is also not believed to be shown or suggested in the applied references.

Accordingly, Klein and Powell, whether considered individually or in combination, are not believed to anticipate or make obvious the features of claims 7-9, 12, 14-16, 20, 22, 23, 25-28, 30-34 and 36-37.

Referring to the rejection of claim 24 under 35 USC § 103(a) as being unpatentable over Klein in view of Powell, further in view of Capozzi et al., claim 24 depends from claim 22 and sets forth a further unique feature of the present invention which is not believed to be shown or suggested in the applied references. The references to Klein and Powell, and their applicability to the claimed invention has been discussed above. The reference to Capozzi et al. is not believed to correct the deficiencies of Klein and Powell with respect to the claimed invention. More specifically, the references to Klein, Powell and Capozzi et al., whether considered individually or in combination, are not believed to show or suggest the features of claim 24 and claim 22 from which claim 24 depends.

Accordingly, Klein, Powell and Capozzi et al., whether considered individually or in combination, are not believed to anticipate or make obvious the features of the claimed invention.

Referring to the rejection of claims 5 and 6 under 35 USC § 103(a) as being unpatentable over Klein in view of Sawdon, each of claims 5 and 6

depend either directly or indirectly from claim 1 and set forth further unique features of the present invention. The reference to Klein and its applicability to the claimed invention has been discussed above. The reference to Sawdon does not correct the deficiencies of Klein with respect to the claimed invention. Each of dependent claims 5 and 6 set forth further unique features of the invention, which when taken together with the elements of claim 1, are not believed to be shown or suggested in the applied references.

Accordingly, Klein and Sawdon, whether considered individually or in combination, are not believed to anticipate or make obvious the features of claims 5 and 6.

In view of the foregoing comments, it is submitted that the inventions defined by each of claims 1-3, 5-12, 14-34 and 36-37 are patentable, and a favorable reconsideration of this application is therefore requested.

Respectfully submitted,



David A. Novais
Attorney for Applicant(s)
Registration No. 33,324

DAN/ld
Rochester, NY 14650
Telephone: 585-588-2727
Facsimile: 585-477-1148

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.